

How the Fairness Rule Addresses Democrats' Grievances

Republican Proposal	Addresses Grievances of Senate Democrats
Guarantees preservation and protection of legislative filibuster	<p>Both Democrats and Republicans have expressed concern that the legislative filibuster be preserved.</p> <p>Senator Byrd has argued that the filibuster must be preserved to stop social security reform. (Apr. 28, 2005)</p> <p>Senator Reid likewise has worried that any limit on debate would lead to elimination of the right to debate legislation, and has warned that the Senate could become “like the House.” (Apr. 28, 2005)</p> <p>Republicans have <i>never</i> supported eliminating the legislative filibuster. In fact, 19 Democrats (9 of whom are still serving) tried to eliminate <i>all</i> filibusters in 1995, but every single Republican voted against the proposal. Republicans were in the majority, but they stood for principle — the preservation of Senators’ traditional right to debate <i>legislation</i>.</p>
Limits reform solely to <i>judicial</i> nominations	<p>Democrats have raised concerns that restoring Senate traditions to prevent judicial filibusters would infringe on Senators’ ability to delay or block Executive Branch officials.</p> <p>For example, Senators Reid and Durbin recently argued that they wanted the ability to use Executive Nominations as political pawns to force action in other matters. (Apr. 27, 2005) Senator Carper has expressed concerns that his ability to block executive nominations may be limited. (Apr. 12, 2005)</p> <p>The Republican proposal is narrowly focused on appeals courts and the Supreme Court, where filibusters have occurred or been threatened.</p>
Guarantees full and comprehensive debate	<p>Senator Byrd has argued, “Free and open debate on the Senate floor ensures citizens a say in their government.” (Mar. 1, 2005) Senator Byrd and other Democrats repeatedly have argued that “freedom of speech” is at risk, and want to preserve the right to “debate” every issue.</p> <p>Responding to these concerns, the Republican proposal will guarantee that each and every Senator has the opportunity to explain his or her position and persuade fellow Senators as to its wisdom.</p>
Addresses Democrats’ complaints about Judiciary Committee procedures	<p>The Democrat leaders regularly allege that Republicans used “anonymous” or “one-person” or “pocket” filibusters to prevent President Clinton’s nominations from passing through the Judiciary Committee. Nearly every Senate Democrat who speaks on this issue has insisted that judicial nominees should receive hearings and a vote in the Judiciary Committee in a timely fashion. (See Senate debate, Nov. 12-14, 2003.)</p> <p>Many Republicans disagree with Democrats’ view of history and the committee process, and have noted that all Presidents (such as George H.W. Bush) have seen nominations stalled in committee. Nevertheless, Republicans are willing to put safeguards in place to guarantee that all judicial nominations can be discharged from committee and receive up-or-down votes on the Senate floor.</p>